

SUBJECT: Juvenile Procedures	NUMBER: 2-13.01
EFFECTIVE DATE:	REVIEW DATE:
NMMLEPSC STANDARDS: OPR.04.01, OPR.04.02, OPR.04.03, OPR.04.04	APPROVED: Sheriff

I. POLICY

The purpose of this policy is to define departmental procedure and provide guidance to deputies when handling juveniles. Deputy's interaction with juveniles differs from that of adults. While juveniles are afforded equal protection under the law, as are adults, there are differences in how juveniles are to be handled under current New Mexico Law. When dealing with juveniles, deputies will use the least coercive of reasonable alternatives. However, violations of the law are not to be ignored and any interventions by the Department shall be documented.

The Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The Department does not identify any one person or position to oversee juvenile operations, therefore it is the responsibility for all agency personnel and components to participate - in and support the juvenile operations.

II. RULES AND REGULATIONS

A. Custody

1. Delinquent Child

- a) If a child is taken into custody, after arriving at the facility, the on-duty or on-call JPPO will be notified as soon as possible by the arresting deputy. The deputy will advise the dispatcher of the name, and other pertinent information and the dispatcher. At that time, the JPPO will authorize either release or detention.
- b) If the JPPO authorizes release, the appropriate paperwork will be completed and the juvenile released to a parent or guardian. The detaining deputy will document the time, date and person the juvenile is released to.
- c) If the JPPO authorizes the detention of the juvenile, the arresting deputy will complete a juvenile statement of probable cause which will be attached to the arrest report.

B. Detoxification

Juveniles will not be detained for detoxification purposes only by this Department. If a deputy comes into contact with a juvenile who is intoxicated and poses a danger to him/herself or others, the juvenile will be transported to the emergency room and every

effort will be made to notify the parents or guardians. If a parent or guardian is not available CYFD will be contacted.

C. Protection Of Rights

To ensure that the constitutional rights of the child are protected, once a juvenile has been taken into custody, the following guidelines will be met.

1. The child will be brought to the Valencia County Sheriff's Department without delay unless the child is in need of emergency medical treatment.
 - a) The JPPO will be contacted as soon as possible and the procedure outlined in the above section followed;
 - b) The arresting deputy will complete an "Arrest Report";
 - c) The child will be given a copy of the "Advise of Rights" to read and sign. The copy will be attached to the arrest report. If the child is being detained, a "Probable Cause Determination" will be completed detailing the events of the crime and the reason for taking the child into custody without a warrant.
2. If the child is taken into custody a complete copy of the report will be forwarded to the JPPO's Office.
3. Physical forms of identification (i.e., hair, blood, urine, handwriting samples) with regard to juveniles cannot be obtained without a search warrant.

D. Parent Notification/Release

1. The parents/guardians of the child will be notified the child is in custody as well as the reason for detention and disposition;
2. If no a parent or legal guardian can be contacted, Children Youth and Families will be notified.
3. When the child is released from custody to a parent/guardian, or is being transported to a detention facility, it will be noted on the incident report.

E. Custodial Interrogation

The guidelines of the Children's Code, 32A-1-1 to 32A-20-1, N.M.S.A. 1978, does not prohibit deputies from interviewing and taking statements from victims or witnesses of any age. While the presence of the parents/guardians is not mandatory during the interrogation of a juvenile, prior to taking this action, the deputy(s) will confer with the parents/guardians. The interrogation shall be limited to no more than two (2) deputies being present. The questioning will not last longer than two hours and there must be a thirty minute break before resuming interrogations. No child will be interrogated or questioned

without first being advised of his constitutional rights and a waiver is secured from the child. Statements, confessions or admissions made by children under the age of thirteen (13) cannot be used against them. During the course of the interrogation, the deputy will explain to the juvenile the department's procedure and the role of the juvenile justice system in investigations.

F. Criminal Citations

Citations may be issued to juveniles in lieu of arrest.

G. Traffic Citations

All Magistrate Courts shall deal with traffic offenders under the age of eighteen (18) years, except as provided in the Children's Code. Magistrate Court shall not incarcerate a child found guilty of any of the provisions of the Motor Vehicle Code without first securing approval of the Children's Court. If the Children's Court acquires jurisdiction over a child pursuant to any of the Motor Vehicle Code violations, it shall have jurisdiction over all traffic offenses alleged to have been committed by the child arising out of the same occurrence.

G. Handling Juvenile Offenders

1. When investigating offenses or incidents involving juvenile offenders, deputies will use the most appropriate alternative. These alternatives may include:
 - a) Release with no further action;
 - b) Referral to Teen Court, or JPPO whichever is applicable;
 - c) Custodial arrest with referral to juvenile authorities.
2. Based on the nature of the investigation, when a deputy determines that a juvenile will not be arrested, he/she will be encouraged to contact the parent/guardian while at the scene with the child, in order to notify them of the investigation.

H. Runaways/Endangered Child

1. All runaway reports must be completed as soon as possible and the appropriate paper work submitted to Valencia County Regional Communications Center.
2. The Juvenile Probation and Parole Office must be notified in the event a runaway from another state is located since they are responsible for seeing that the child is returned to his/her home state.
3. CYFD hotline must be called for the purpose of emergency placement of an endangered child. The dispatcher should notify the call taker that a deputy requires a caseworker for an emergency placement of an endangered child.

4. If time becomes a critical issue and it is feasible to relocate the child to the Sheriff's Department, have the caseworker respond to the department. In any case, the child is the responsibility of the responding deputy until he/she has been turned over to CYFD.

I. Detained Juveniles

Juveniles that are in custody of the department will be maintained separately from adult prisoners. Juveniles will not have line of sight of adult prisoners at any time. Juveniles being held at the Los Lunas 13th Judicial District Court will be kept on a different floor than adult prisoners.